

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
College of Eastern Utah
Jennifer Leavitt Building, Alumni Room
451 East 400 North
Price, Utah 84501
August 19, 2005
9:30 a.m.

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Jay Olsen	Darrell Mensel
Mayor Joe Piccolo	Ray Child
Paula Doughty	Gregory Rowley
Mayor Douglas Thompson	Ron Sims

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Faye Bell, Mark Novak, Ed Macauley, Dave Rupp, Rob Herbert,
Jeff Studenka

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Teri Fellenz	Willard City
Rod Mund	Willard City
Alden Robinson	Sunrise Engineering
Doug Nielsen	Sunrise Engineering
David Ariotti	DEQ
Greg Poole	Hansen, Allen & Luce
Anthony Beals	Price City
Brian Bennion	Salt Lake County Health
Suzanna Graff	Emigration Canyon
Mike Lowe	Utah Geological Survey
Janae Wallace	UGS
Nancy Cammans	Price City
Phil Wright	Wasatch County Health Dept.
Steve Gengatz	Div Oil, Gas & Mining
Chris Hansen	Citizen
Dale Pearson	Ground Water
Jay Marshall	Citizen
Gary Sonntag	Price City
Dale Pierson	Grand County Water and Sewer Agency

Chairman Child called the Board meeting to order at 9:40 a.m. He welcomed those in attendance. Mr. Child invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE JUNE 17, 2005 MEETING

Mr. Child noted that the names of those making the motion to approve May's Minutes were not recorded at the last Board meeting. It was determined that Mr. Piccolo had made the motion to approve the May minutes which was seconded by Mr. Olsen.

Motion: **It was moved by Mayor Thompson and seconded by Mr. Sims to approve the minutes of the June 17, 2005 Board meeting with the noted correction. The motion was unanimously approved.**

Salinity in Price Valley & River System: Anthony Beals who works for the Natural Resources Conservation Service gave a presentation on salinity in Price Valley.

RULEMAKING

Proposed changes to R317-4 to Incorporate Onsite System Variance Language: Mr. Baker explained to the Board that this item wasn't ready to be presented to the Board for action and would like to postpone any action until the September Board meeting in Salt Lake City. This would allow time for the Attorney General's Office and Staff to review the proposed changes.

Motion: **It was moved by Mr. Sims and seconded by Mayor Piccolo to postpone any action on this item until September's meeting. The motion was unanimously approved.**

Request to adopt changes to rules governing water reuse R317-1 "Definitions and General Requirements": Mr. Macauley directed the Board to page 2.6 in the packet. Approval to start rulemaking for revision of R317-1 was given by the Board on June 17, 2005. The rulemaking language was submitted to the Division of Administrative Rules for advertisement and public comment between July 15 and August 15, 2005. No comments were received during the comment period. Staff is requesting the Board's approval to adopt changes to R317-1. Concern regarding some areas of R317-1 that were not proposed for rule change at this time were expressed by the Board.

Motion: **It was moved by Mayor Piccolo and seconded by Mr. Sims to approve staff's request to adopt changes to R317-1. The motion was unanimously approved.**

LOAN PROGRAM

Financial Assistance Status Report – Mr. Macauley updated the Board on the "Summary of Assistance Program Funds" as outlined on page 3.1. Mr. Baker directed the Board attention to the handout of an audit report of the State of Utah Clean Water State Revolving Fund for the year ended June 30, 2004. DWQ agreed with the audit findings except for the finding related to extended term financing, which DWQ took exception to. EPA's Office of the Inspector General conducts these audits every three years or so because State auditors won't do independent audits on the SRF like most other states do.

Willard City Request for Funding: Dave Rupp introduced Teri Fellenz, Rodney Mund, Ryan Tingy with Willard City and Scott Archibald from Sunrise Engineering. The Town of Willard is requesting financial assistance in the amount of a \$2,875,000 grant and a \$7,125,000 zero percent interest loan repayable over 30 years for the construction of a wastewater collection

system. The city realizes that on-site wastewater treatment is not compatible with continued growth and increased population in the community. This project is being presented as an introduction to the Water Quality Board.

FY2006 Intended Use Plan and Project Priority List: Mr. Macauley directed the Board's attention to page 3.12 explaining the report of the FY2006 Intended Use Plan and the Project Priority Use Plan.

AQUIFER CLASSIFICATION PETITION

Board Authorization to conduct a Public Hearing for Aquifer Classification Petition for Sanpete Valley, Sanpete County, Utah: Mr. Jay Olsen from the Water Quality Board recused himself from voting on this item. Mr. Mark Novak, an environmental scientist in the Ground Water Protection Section, introduced Mike Lowe and Janae Wallace from Utah Geological Survey (UGS). Mr. Olsen explained to the Board the history of the area and stated because of elevated nitrate concentrations in a very small area north of Moroni, it is recommended that approximately 0.2% of the aquifer be classified as Class III (Limited Use) ground water. Ms. Wallace explained maps supporting the classification criteria in R317-6-3, which were included with the petition and are based on water quality data. Based on these maps, it was recommended that 99.8% of the aquifer be classified as either Class IA (Pristine) or Class II (Drinking Water Quality) ground water, and the remaining 0.2% of the aquifer be classified as Class III (Limited Use) ground water. Staff requested the Board's approval to begin public comment and hold a public hearing for the Aquifer Classification Petition.

Motion: **It was moved by Mr. Sims and seconded by Ms. Doughty to approve staff's request to take the aquifer classification petition, submitted by Sanpete County, to public comment. The motion was unanimously approved.**

Board Authorization to conduct a Public Hearing for Aquifer Classification Petition for Moab-Spanish Valley, Grand and San Juan Counties: Mr. Novak introduced Dale Pierson with Grand County Water and Sewer and Mike Lowe and Janae Wallace from UGS. Ms. Wallace explained maps supporting the classification criteria in R317-6-3, which were included with the petition and are based on water quality data. Based on these maps, it was recommended that 13% of the aquifer be classified as either Class IA (Pristine) ground water and 87% of the aquifer be classified as Class II (Drinking Water Quality) ground water. Staff is requested the Board's approval to begin public comment.

Motion: **It was moved by Ms. Doughty and seconded by Mr. Rowley to approve staff's request to take the aquifer classification petition submitted by Moab City, Grand County and Grand County Water and Sewer Agency, Utah to public comment. The motion was unanimously approved.**

OTHER BUSINESS

Variance request from Suzanna Graff from onsite system rules – Mr. Rupp introduced Suzanna Graff who lives in Emigration Canyon and Brian Bennion from the Salt Lake Valley Health Department. Ms. Graff wishes to build a garage on the site of her existing onsite wastewater disposal system and relocate the system to another location on her property. Ms.

Graff explained to the Board that her goal is not only to improve her property, but to improve the water quality by moving the septic system further from both a nearby culinary well and ephemeral stream. Mr. Mensel asked if the Board has the authority to grant a variance. Mr. Baker responded that the Board cannot grant a variance, but may revise its administrative rule's to provide a variance procedure. The Board could either deny the petition or instruct staff to investigate the matter and come back to the Board with proposed rules that would address her particular concern. Mr. Baker said staff is developing a hierarchy of alternatives DWQ would use to determine when a variance may be considered, including connection to a public sewer; alternative systems; experimental systems; holding tanks; then a variance. Ms. Graff said a holding tank is not practical due to cost of use. Mayor Piccolo said there seems to be a potential of point source contamination. Mr. Mensel said he feels if Ms. Graff can demonstrate that her proposal is an improvement over what presently exists, then her proposal should be encouraged, otherwise she should abandon the property. Mr. Baker said staff could craft variance language that may offer relief provided certain conditions were met.

Motion: **It was moved by Mr. Mensel and seconded by Ms. Doughty to ask staff to craft administrative rule language that would allow a variance under certain very restrictive parameters for a situation similar to Ms. Graff's. The motion was unanimously approved.**

Update on Legislative Water Task Force: Mr. Baker directed the Board to page 5.5 which will be discussed during the 2006 General Session.

Mercury in Fish Discussion: Mr. Baker directed the Board to page 5.25 and discussed issues surrounding mercury in fish in Utah's Waters.

Water Depletion and Recovery Study: Mr. Gary Sundry and Mr. Poole, a consultant with Hansen Allen & Luce Engineering, distributed to the Board a handout to explain the results of a study of Price City's water and wastewater infrastructure that the Board helped to fund.

NEXT MEETING

The next Water Quality Board is scheduled for September 26, 2005 in Salt Lake City, Utah.

Ray Child, Chairman